

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

PETER PAPPALARDO,

Petitioner,

v.

CIVIL ACTION NO. 5:08-cv-00796

TODD CRAIG,

Respondent.

**ORDER**

The Court has reviewed Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus and the supporting memorandum [Dockets 1, 2] filed May 30, 2008. By Order entered on May 30, 2008 [Docket 3], this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On June 16, 2011, the Magistrate Judge submitted Proposed Findings and Recommendation ("PF&R") [Docket 7] wherein it is recommended that this Court dismiss Petitioner's Application as moot and remove this matter from the Court's docket.


The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); see also *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989);

*United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982). Objections to the PF&R in this case were due on July 5, 2011. To date, no party has filed any objections to the Magistrate Judge's Proposed Findings and Recommendation. As noted in the PF&R, Petitioner appears to have been released from custody on March 4, 2011. Inasmuch as Petitioner did not provide the clerk's office with a forwarding address, the PF&R sent to him on June 16, 2011, was returned as undeliverable.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the Proposed Findings and Recommendation, and **ORDERS** that Petitioner's Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus [Docket 1] be **DISMISSED**. The Court further **ORDERS** that this matter be removed from its docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 6, 2011

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA